



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

September 1, 2004

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7779 0872
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0044**

Newton Water System
51 South Center
P.O. Box 146
Newton, Utah 84327
PWS# UTAH03013

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for volatile organic chemicals; failure to monitor for nitrate; failure to monitor for lead and copper; failure to submit a lead and copper sample site plan; failure to provide public notice of the violations; and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Kathelene Brainich of my staff at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

2003	Failure to monitor for volatile organic chemicals
2001 & 2003	Failure to monitor for nitrate



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1999 - 2003	Failure to monitor for lead and copper
1999 - 2003	Failure to submit a lead and copper sample site plan
1999 - 2003	Failure to provide public notice of violations
1999 - 2003	Failure to report violations to the State.

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with EPA staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA expects to proceed with issuance of an administrative order. Our technical contact is Kathelene Brainich at (303) 312-6481.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: David Cooley, Newton Water System
Ken Bousfield, UT DEQ DW

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE
ON SEPTEMBER 1, 2004.**